

72-0872
DDI-1704-72
DCI/IC 72-0469

OGC HAS REVIEWED.

8 June 1972

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Advisory Committees

1. This memorandum recommends Agency action on a proposed Executive order and certain legislation concerning advisory committees. The recommendations are in paragraph 6.

2. The proposed Executive order and legislation would raise a number of problems by imposing certain reporting, disclosure and oversight requirements on the use of advisory committees within the Executive Branch.

3. Proposed Executive Order. The proposed Executive order is less troublesome from the standpoint of the intelligence community than legislation, but could:

a. Give the Office of Management and Budget an enhanced management role over all intelligence community and CIA advisory committees;

b. Require that each committee be identified in the Federal Register by name, indicating the agency to which it reports, the name and business address of the chairman and the agency he represents, and the person to be contacted for additional information about the committee; and

c. Require that all meetings be public with due notice in the Federal Register except for committees composed wholly of Government officers or employees. (This requirement is abrogated upon a determination by the agency head that the committee activities involve matters which are exempt from public disclosure under the Freedom of Information Act, e. g., classified in the interest of national defense or foreign policy. Presumably, the abrogating determination itself would be made public as would an annual report summarizing the committee's activities in a fashion that does not compromise security.)

FOIAb5 4. It appears that advisory committees of the Agency, as well as those within the intelligence community and under the Director's jurisdiction, would be exempt from the troublesome features of the Executive order, since the order does not apply in situations in which it is "inconsistent with or in conflict with any statutory provision" [REDACTED]

FOIAb5

5. Legislation. The House has passed H. R. 4383 and the Senate Committee is considering S. 3529. The Senate bill, even though its application is not as broad as the House bill, raises a number of problems due to its reporting, disclosure, and oversight requirements, as detailed in the attached proposed letter to Senator McClellan.

6. Recommendations.

a. Executive Order. It is recommended that the Office of Planning, Programming and Budgeting inform the International Division, Office of Management and Budget, of the Agency's conclusion that intelligence committees serving the intelligence community would not be subject to the disclosure requirements of the proposed Executive order, including the requirement to publish in the Federal Register the names of committees and annual public reports on committee activities.

b. Legislation. It is recommended that the Director sign the attached letter to Senator McClellan requesting an appropriate exemption for the Agency and the intelligence community from such legislation on advisory committees as may be considered by the Senate Government Operations Committee. Prior to transmittal to Senator McClellan, the letter will be sent to the Office of Management and Budget for clearance. STATINTL

[REDACTED]
JOHN M. MAURY
Legislative Counsel

2011 5 11 11:15

SUBJECT: Advisory Committees

CONCURRENCE: STATINTL

STATINTL General Counsel

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Date

9 June 72

12 June 72

13 June 72

13 June 72

12 Jun 72

14 Jun 72

14 Jun 72

APPROVAL:

Richard Helms
Director

Date

Distribution:

Orig - Return to OLC

1 - DCI

1 - ER

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel
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6136

NO.

DATE

9 June 1972

TO: (Officer designation, room number, and building)

DATE

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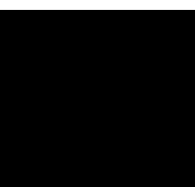
COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
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<p>Remarks: The attached recommends a course of action to the Director concerning a proposed Executive order and legislation affecting advisory committees within the intelligence community and the Agency.</p> <p>The proposed letter from the Director to Senator McClellan has been favorably reviewed by the key committee staff personnel concerned with the legislation and it has been shown to both Braswell and Woodruff. After the Director approves the letter, we would send it to OMB for review before it is transmitted to Senator McClellan.</p> <p style="text-align: center;">STATINTL [REDACTED]</p>			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
Acting Legislative Counsel 7D43			29 Jun 72
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